

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NOLIN RURAL ELECTRIC COOPERATIVE )  
CORPORATION )

COMPLAINANT )

VS. )

KENTUCKY UTILITIES COMPANY )  
DEFENDANT )

CASE NO. 95-074

ORDER TO SATISFY OR ANSWER

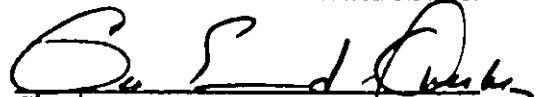
Kentucky Utilities Company ("KU") is hereby notified that it has been named as defendant in a formal complaint filed on February 23, 1995, a copy of which is attached hereto.

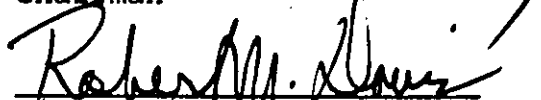
Pursuant to 807 KAR 5:001, Section 12, KU is HEREBY ORDERED to satisfy the matters complained of or to file a written answer to the complaint within 10 days from the date of service of this Order.


Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 13th day of March, 1995.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director

**BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY**  
**IN THE MATTER OF:**

**APPLICATION OF THE NOLIN RURAL  
ELECTRIC COOPERATIVE CORPORATION  
TO RESOLVE TERRITORIAL ISSUE**

CASE NO. 95-174

RECEIVED

FEB 28 1996

PUBLIC SERVICE  
COMMISSION

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**APPLICATION**

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The Petition of NOLIN RURAL ELECTRIC COOPERATIVE CORPORATION, respectfully shows:

1. Applicant is a cooperative corporation organized and existing under the laws of the Commonwealth of Kentucky and is engaged in the business of purchasing and selling electric current and maintaining an electric distribution system. The applicant now operates and does business in the counties of Hardin, LaRue, Hart, Grayson, Green, Taylor, Breckinridge and Meade. The full name of the applicant is the Nolin Rural Electric Cooperative Corporation.

2. The post office address of the applicant is 612 East Dixie Avenue, Elizabethtown, Kentucky 42701.

3. Certified copies of the Articles of Incorporation and all Amendments thereto have previously been filed with this Commission in Case No. 93-324.

4. Pursuant to K.R.S. 278.018(1), a new electric-consuming facility is in the process of locating in Elizabethtown, Hardin County, Kentucky, and the facility will lie in both the certified territory of Nolin Rural Electric Cooperative Corporation (hereinafter "Nolin") and the Kentucky Utilities Company (hereinafter "K.U."). A copy of the respective service areas of Nolin and K.U. as certified by the boundary map established in 1972 and reaffirmed thereafter is attached as Exhibit "A". According to the certified territorial map, the real estate and the building facility of the new electric-consuming facility is split by the territorial line dividing the territory between Nolin and K.U.

5. Exhibit "B" attached hereto shows the existing distribution lines, poles, and present consumers for both Nolin and K.U. in relationship to the facility to be

constructed. Although K.U. is in the process of constructing a new distribution line as this petition is being prepared, the existing distribution lines are as shown on the attached Exhibit "B" and show that the lines of Nolin, the poles of Nolin, and Nolin's consumers are in closer proximity to the facility than those of K.U.

6. Nolin provides and has provided in the past adequate and dependable distribution lines and dependable and high quality retail electric service at reasonable cost to all of its member/consumers in this area and throughout its system.

7. Nolin should be permitted to provide electric service to the new electric-consuming facility to eliminate and prevent duplication of further electric lines and also due to the closer proximity of its existing distribution lines to the facility.

8. An extreme urgency exists to resolve this issue as to which retail electric supplier should supply the new facility, since the new facility has made known its intent to start construction immediately. Therefore, Nolin requests that this matter be advanced on the docket and agenda of the Public Service Commission for a speedy resolution of this issue.

WHEREFORE, Nolin Rural Electric Cooperative Corporation requests that the Public Service Commission of the Commonwealth of Kentucky issue an Order determining that Nolin is the proper retail electric supplier to supply electricity to the new electric-consuming facility for the reasons stated herein.

Dated at Elizabethtown, Kentucky, this 23<sup>rd</sup> day of February, 1995.

NOLIN RURAL ELECTRIC COOPERATIVE  
CORPORATION

BY: 

JOHN J. SCOTT  
ATTORNEY FOR NOLIN RURAL  
ELECTRIC COOPERATIVE  
CORPORATION  
WHITLOW & SCOTT  
108 EAST POPLAR STREET  
P.O. BOX 389  
ELIZABETHTOWN, KY. 42702-0389  
(502) 765-2179

STATE OF KENTUCKY  
COUNTY OF HARDIN

I, Michael L. Miller, General Manager of the Nolin Rural Electric Cooperative Corporation, state that I have read and understand the foregoing Application; that the statements contained therein are true.

NOLIN RURAL ELECTRIC COOPERATIVE  
CORPORATION

BY: Michael L. Miller  
MICHAEL L. MILLER, GENERAL  
MANAGER

STATE OF KENTUCKY  
COUNTY OF HARDIN

I, the undersigned, a Notary Public, do hereby certify that on this 23rd day of February, 1995, personally appeared before me Michael L. Miller, who being by me first duly sworn, subscribed to and acknowledged that he is the General Manager of Nolin Rural Electric Cooperative Corporation, a Kentucky corporation, that he signed the foregoing document as General Manager of the corporation.

B. B. Day  
NOTARY PUBLIC, State of Kentucky  
At Large

My commission expires 10-15-97

**CERTIFICATE**

I certify that a copy of the foregoing Application has been sent to the following:

Mr. Bob Evans  
Kentucky Utilities Company  
242 West Dixie Avenue  
Elizabethtown, Kentucky 42701

and on behalf of the new facility:

Mr. Kendrick R. Hoek  
Robert Carlin Companies  
5115 McKinney Avenue, Suite F  
Dallas, Texas 75205

John J. Scott  
JOHN J. SCOTT  
ATTORNEY FOR NOLIN RURAL  
ELECTRIC COOPERATIVE  
CORPORATION

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W. L. H. OFF. C.

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~~ELIZABETH TOWN~~

